

# Gregory Zimmer, Esq.

GZimmer@GZimmerLegal.com

O: (914) 402-5683

M: (516) 991-1116

**MEMO ENDORSED**

July 20, 2021

**VIA ECF**

Honorable Valerie Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

USDC SDNY  
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Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Dr. Michael M. Goldberg, M.D. ("Dr. Goldberg") in the above-referenced matter. We write pursuant to your Order dated July 6, 2021 [Dkt. No. 211] to inform the Court that Dr. Goldberg intends to submit an expert report in support of his motion for partial summary judgement. As we informed the Court at the conference held on July 6, 2021, Dr. Goldberg does not intend to move for summary judgment on the issue of damages. We also understand that Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. ("Navidea") intends to make a summary judgment motion. Navidea's Amended Complaint does not seek damages from Dr. Goldberg. We therefore respectfully request that the Court bifurcate expert discovery with respect to liability and damages. We believe that this procedure will increase efficiency and avoid potentially unnecessary expense to the parties. Should the Court rule that a trial on the issue of damages is required after summary judgment the parties can expeditiously complete expert discovery on the issue of damages as part of the pre-trial schedule.

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.

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Honorable Valerie Caproni, U.S.D.J.

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360 Lexington Avenue, Suite 1502  
New York, NY 10017  
(914) 402-5683  
GZimmer@GZimmerLegal.com

cc: Barry Kazan, Esq.  
Alain Baudry, Esq.

No later than **July 22, 2021**, Plaintiff is directed to respond to Defendant's letter and indicate its view on bifurcating expert discovery with respect to liability and damages.

SO ORDERED.



7/20/2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE